

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GRAYSON-BEY,

Plaintiff,

No. 19-13588

v.

Honorable Nancy G. Edmunds

SOUTHFIELD POLICE
DEPARTMENT, *et al.*,

Defendants.

**ORDER DENYING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

On December 7, 2020, the Court entered an opinion and order accepting and adopting the Magistrate Judge's report and recommendation that Plaintiff's complaint be dismissed in its entirety. (ECF No. 26.) A judgment closing this case was entered on that same day. (ECF No. 27.) Plaintiff has filed a notice of appeal with the Sixth Circuit Court of Appeals. (ECF No. 28.) The matter is before the Court on Plaintiff's application for leave to proceed in forma pauperis on appeal. (ECF No. 30.)

Pursuant to 28 U.S.C. § 1915(a)(3), "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." The Supreme Court has interpreted "good faith" to mean "not frivolous." *Coppedge v. United States*, 369 U.S. 438, 445-46 (1962). Whether or not an appeal is taken in good faith must be judged by an objective standard. *Id.*

As set forth in the Court's opinion and order, Plaintiff has failed to present an actionable claim. Thus, the Court finds that any appeal from that decision would be

frivolous. As an appeal cannot be taken in good faith, under § 1915(a)(3), it may not be taken in forma pauperis. Accordingly, Plaintiff's application to proceed in forma pauperis on appeal is DENIED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: January 13, 2021

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 13, 2021, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager